

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

CONTEMPT PEITION NO.337 OF 2005

Mrinalini S.Ujagare.

...Petitioner.

Versus

The Nasik Peoples Co-op.Bank Ltd.

...Respondent.

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Ms.Varsha Palav for the Petitioner.

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CORAM : DR. D.Y. CHANDRACHUD, J.

December 7, 2005.

P.C.:

The Labour Court set aside an order of dismissal and granted reinstatement without back wages but with continuity of service. In Revisions that were filed both by the employer and by the workman, the Industrial Court set aside the order refusing back wages and granted full back wages while confirming the order of reinstatement with continuity. The Petition filed by the employer was admitted on 22nd July 1996 and while the order of reinstatement was not stayed, the order for the payment of back wages came to be stayed subject to a deposit of the back wages in this Court. The Petition was eventually disposed of on 20th July 2004. This Court affirmed the order of reinstatement with continuity of service. This Court held that the Petitioner-workman

was guilty of misconduct which had been found to be established by the Labour Court and which finding was not disturbed by the Industrial Court. However, the Court was of the view that the workman could not be deprived of back wages and since an amount of Rs.84,225/- has been deposited, the ends of justice will be met if the amount as deposited with interest accrued thereon is paid to the workman.

The grievance which is now made is in respect of the amount of back wages which was deposited before this Court. In my view, this grievance ought to have been made after the amount was deposited in pursuance of the interim order dated 26th July 1996. No such grievance was made during the period when the petition was pending. No grievance was made when the Petition came up for final disposal on 20th July 2004. In fact the Learned Single Judge was of the view that though the finding of misconduct was correct, it would be appropriate if the Petitioner is allowed to withdraw the amount of Rs.84,225/- deposited towards the back wages with interest. In the circumstances it is not possible to accept the submission of the Petitioner. The Petitioner, it has been then submitted, has been granted continuity and is

accordingly entitled to consequential benefits such as promotion. The Petitioner can adopt appropriate proceedings if there is any fresh grievance. On a perusal of the proceedings before this Court, it is not possible for this Court to arrive at the conclusion that there is any breach of the order of the Court. The Contempt Petition is accordingly dismissed.

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